

Message Text

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ACTION STR-04

INFO OCT-01 IO-13 ISO-00 STRE-00 AF-08 ARA-06 EA-07 EUR-12

NEA-10 AGR-05 CEA-01 CIAE-00 COME-00 DODE-00 EB-07

FRB-03 H-02 INR-07 INT-05 L-03 LAB-04 NSAE-00 NSC-05

PA-01 AID-05 CIEP-01 SS-15 ITC-01 TRSE-00 USIA-06

PRS-01 SP-02 FEAE-00 OMB-01 OIC-02 /138 W

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P 171600Z MAY 76

FM USDEL MTN GENEVA

TO SECSTATE WASHDC PRIORITY 1515

LIMITED OFFICIAL USE MTN GENEVA 3777

ACTION STR

E.O. 11652: N/A

TAGS: ETRD GATT MTN

SUBJECT: GENEVA BILATERALS ON DISPUTE RESOLUTION IN MTN

REF: WALKER/YEUTTER TELCON, 13 MAY 1976

1. AS DISCUSSED REFTELCON, WE SHARE VIEW THAT IT WILL SOON BE APPROPRIATE TO HOLD INFORMAL BILATERAL DISCUSSIONS WITH OTHER KEY GENEVA DELS ON GENERAL SUBJECT OF DECISION MAKING AND SURVEILLANCE/CONSULTATION/DISPUTE SETTLEMENT IN MTN WORK. WASHINGTON PARTICIPATION BY STR (WOLFF AND GREENWALD) WOULD BE HIGHLY DESIRABLE. SUBSEQUENT TO REFTELCON, WE HAVE CONSLUDED SUITABLE "WINDOW" FOR SUCH ROUND WOULD BE WEEK OF JUNE 21, EITHER IMMEDIATELY PRECEDING OR CONCURRENTLY WITH NEXT SCHEDULED SESSION OF GATT CONSULTATIVE GROUP OF 18 (MEETING JUNE 22-23), TO TAKE ADVANTAGE OF POSSIBILITY THAT SOME OFFICIALS FROM OTHER CAPITALS MIGHT SIT IN.

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2. MAJOR MTN DELS INCREASINGLY ACKNOWLEDGE NEED TO DEAL

WITH DEFICIENT GATT PROCEDURES FOR DISPUTE AVOIDANCE AND DISPUTE RESOLUTION, AND TO DO SO IN REASONABLY COHERENT WAY. THEY WELL UNDERSTAND THAT PROSPECTIVE MTN CODES--STANDARDS, SUBSIDIES/COUNTERVAIL, GOVERNMENT PROCUREMENT, SAFEGUARDS, AND POSSIBLY OTHERS--ALL POSE REQUIREMENT FOR SPECIFIC DECISION-MAKING, CONSULTATION/SURVEILLANCE, AND DISPUTE MECHANISMS, EITHER INDEPENDENT FROM OR LINKED INTO BASIC GATT PROCEDURES. (IF LATTER, THEN ADDITIONAL QUESTION POSED OF IMPROVEMENT THOSE PROCEDURES, WIDELY SEEN AS DEFICIENT.) EC, CANADAIN, JAPANESE, BRAZILIAN, AND OTHER DELS, AS WELL AS GATT SECRETARIAT, HAVE ALL INDICATED DEGREE OF INTEREST IN PART OR ALL OF THIS COMPLEX OF ISSUES. GIVEN RELATIVELY ADVANCED STATE OF WASHINGTON THINKING, AND ASSUMING GREENWALD-PHAN VAN PHI DISCUSSIONS ARE PRODUCTIVE, IT WOULD BE USEFUL TO BEGIN EXPOSING GENEVA DELS TO CURRENT US THINKING.

3. ACCORDINGLY, WE PROPOSE TENTATIVE SCHEDULING OF BILATERAL MEETINGS DURING WEEK OF G-18 SESSION, TO INCLUDE AT LEAST EC, JAPAN, AND CANADA, AND POSSIBLY NORDICS, SWITZERLAND, AUSTRALIA/NEW ZEALAND, AND BRAZIL (OR GROUP OF "REASONABLE" LDCS). OBJECT WOULD BE INFORMAL EXPLORATION OF CURRENT THINKING, INCLUDING PRESENTATION OF TENTATIVE US IDEAS AND COMPARISON WITH CURRENT VIEWS OF OTHERS, TO ENCOURAGE MORE ACTIVE THINKING AND PRE-NEGOTIATION/DIALOGUE ON THIS SUBJECT.

4. WOULD APPRECIATE YOUR FURTHER VIEWS ON THIS PROPOSAL, INCLUDING CONFIRMATION OF DATES AND WASHINGTON PARTICIPATION. WALKER

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Message Attributes

Automatic Decaptioning: X
Capture Date: 01 JAN 1994
Channel Indicators: STR
Current Classification: UNCLASSIFIED
Concepts: SURVEILLANCE, DISPUTE SETTLEMENT, MEETINGS, TRADE COMPLAINTS, CONSULTANTS
Control Number: n/a
Copy: SINGLE
Draft Date: 17 MAY 1976
Decaption Date: 01 JAN 1960
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Authority: saccheem
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 28 MAY 2004
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1976MTNGE03777
Document Source: CORE
Document Unique ID: 00
Drafter: n/a
Enclosure: n/a
Executive Order: N/A
Errors: N/A
Film Number: D760190-0708
From: MTN GENEVA
Handling Restrictions: n/a
Image Path:
ISecure: 2
Legacy Key: link1976/newtext/t19760546/aaaabnlr.tel
Line Count: 92
Locator: TEXT ON-LINE, ON MICROFILM
Office: ACTION STR
Original Classification: LIMITED OFFICIAL USE
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 2
Previous Channel Indicators: n/a
Previous Classification: LIMITED OFFICIAL USE
Previous Handling Restrictions: n/a
Reference: n/a
Review Action: RELEASED, APPROVED
Review Authority: saccheem
Review Comment: n/a
Review Content Flags:
Review Date: 07 MAY 2004
Review Event:
Review Exemptions: n/a
Review History: RELEASED <07 MAY 2004 by greeneet>; APPROVED <27 SEP 2004 by saccheem>
Review Markings:

Margaret P. Grafeld
Declassified/Released
US Department of State
EO Systematic Review
04 MAY 2006

Review Media Identifier:
Review Referrals: n/a
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
Secure: LOCK1
Status: NATIVE
Subject: GENEVA BILATERALS ON DISPUTE RESOLUTION IN MTN
TAGS: ETRD, GATT, MTN
To: STATE
Type: TE
Markings: Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 04 MAY 2006